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ROGITZ & ASSOCIATES 750 B STREET SUITE 3120 SAN DIEGO, CA 92019			EXAMINER MYHRE, JAMES W	
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**BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES**

Application Number: 09/922,182  
Filing Date: August 02, 2001  
Appellant(s): PLOW ET AL.

**MAILED**

OCT 02 2007

**GROUP 3600**

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John L. Rogitz  
For Appellant

**EXAMINER'S ANSWER**

This is in response to the appeal brief filed August 10, 2007 appealing from the Office action mailed August 8, 2007.

**(1) Real Party in Interest**

A statement identifying by name the real party in interest is contained in the brief.

**(2) Related Appeals and Interferences**

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

**(3) Status of Claims**

The statement of the status of claims contained in the brief is correct.

**(4) Status of Amendments After Final**

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

**(5) Summary of Claimed Subject Matter**

The summary of claimed subject matter contained in the brief is correct.

**(6) Grounds of Rejection to be Reviewed on Appeal**

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

**(7) Claims Appendix**

The copy of the appealed claims contained in the Appendix to the brief is correct.

**(8) Evidence Relied Upon**

**(9) Grounds of Rejection**

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-4, 6-11, and 13-19 are rejected under 35 U.S.C. 102(b) as being anticipated by LeMole et al(6,009,410).

Claims 1, 7, 8, 14, and 18: LeMole discloses a system, computer readable medium, and method for storing Internet advertisements at a user computer, comprising:

- a. receiving automatically (pushed) a plurality of Internet advertisements at the user computer (column 6, lines 20-45);
- b. saving (storing) the plurality of advertisements on the user computer (column 6, lines 20-45);
- c. accessing the saved plurality of advertisements by the user on the display (i.e. advertising history window) of the user computer (column 5, lines 23-27;
- d. filtering previously displayed advertisements to determine eligible advertisements (column 5, lines 16-22);
- e. selecting one of the advertisement by the user (column 6, lines 63-66); and
- f. accessing the advertiser's website by clicking on a link within the advertisement (column 4, lines 29-35 and column 7, lines 12-35).

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Claims 2, 9, and 15: LeMole discloses a system, computer readable medium, and method as in Claims 1, 7, and 14 above, and further discloses the advertisement including an HTML tag (column 4, lines 29-35 and column 7, lines 12-35).

Claims 3, 10, and 16: LeMole discloses a system, computer readable medium, and method as in Claims 1, 8, and 14 above, and further discloses displaying the advertisement in response to toggling (clicking on) a button (Figure 2 and column 7, lines 12-35).

Claims 4, 11, and 17: LeMole discloses a system, computer readable medium, and method as in Claims 3, 10, and 16 above, and further discloses allowing the user to scroll through the advertisements (Figure 2 – top right corner of screen depicts the scroll bar that can be used to scroll through any data displayed in the window).

Claims 6, 13, and 19: LeMole discloses a system, computer readable medium, and method as in Claims 1, 8, and 14 above, and further discloses displaying and using Previous (Back) and Next (Forward) buttons to navigate through the saved advertisements or any other data/pages being displayed in the window (Figure 2 and column 6, line 63 – column 7, line 35).

**(10) Response to Argument**

a. *"The rejection of Claim 1 fails to mention the limitation of an advertising history window displaying Internet content composed of plural advertisements, nor do any of the cited sections of the reference mention one."* (pages 4-5).

Initially, the Examiner notes that no patentable weight is given to the title given by the Appellant to the window being displayed. Thus, the limitation is directed to a window displaying Internet content composed of a plurality of advertisements. LeMole discloses just such a window in column 4, lines 31-35 (*"from which information a plurality of images, banners, video clips, sound clips, etc. from different advertisers are combined by CAR server 111 into an aggregated advertising page or pages with hyperlinks to the advertising sites of each of the combined advertisers."*)

b. *"Moreover, the relied-upon portion of LeMole et al does not address advertisements that are saved at the user computer as claimed"* (page 5).

The Examiner notes that LeMole explicitly discloses that the composite pages of advertisements are "pushed" to the user computer *"where each is cached for later retrieval by the user."* (column 6, lines 36-45).

c. *"The rejection of Claim 1 fails to mention the limitation of allowing a user to filter previously displayed advertisements"* (page 5).

The Examiner notes that LeMole discloses the user *"By using the mouse to electronically check his or her interests, such as travel, sports, etc., and by inputting demographic information such as one's marital state, age, number of children, their ages, etc., as well as other information, that user's profile is stored in user profile database 112."* (column 4, lines 42-47) and further discloses that the user profile database is then used to select the advertisements *"to create a composite advertising page specifically for that individual user"* (column 4, lines 47-56). Thus, the user decides what type of advertising he or she wants to receive/view (i.e. the user is filtering the advertisements "so that only advertisements corresponding to one or more user selected attributes are eligible for display" as stated in the rest of this limitation in Claim 1).

d. *"The rejection of Claim 4 alleges that figure 2 of LeMole et al allows a user to scroll through the saved advertisements"* (page 6).

The Examiner notes that Figure 2 in LeMole shows a user window with a scroll bar which allows the user to scroll through the displayed data (presumably there is more data than can fit on one page). Inherently, this scroll bar would allow the user to scroll through any data being displayed that does not fit within one window. Since LeMole explicitly discloses that the user may be presented with a plurality of composite advertising pages, this scroll bar would also be used for "allowing the user (to) scroll through the saved advertisements" as in Claim 4.

e. *"The rejection of Claim 6 alleges that LeMole et al, figure 2 and col 6, line 63-col 7, line 35 teaches displaying and using back and forward buttons to navigate through the saved advertisements"* (page 7).

The Examiner notes that Figure 2 in LeMole shows a window with Back and Forward buttons (along with the other usual window navigation buttons) to allow the user to navigate to previous and next portions of the displayed data. Inherently, these navigation buttons would allow the user to navigate through any data being displayed ("Reload"), that was previously displayed ("Back"), or that was next in line to be displayed ("Forward"). Since LeMole explicitly discloses that the user may be presented with a plurality of composite advertising pages, these navigation buttons would also be used for "accessing saved advertisements when the previous and next button are toggled" as in Claim 6.

f. *"Claim 7 requires that the server transmit the Internet advertisements to the user computer while the user is engaged in activity other than requesting the advertisements"* (page 7).

The Examiner notes that LeMole explicitly discloses that the composite advertising pages are "pushed" to the user computer *"where each is cached for later retrieval by the user."* (column 6, lines 36-45). As known in the art, data may be transmitted using either "push" or "pull" technology. In "pull" technology, the receiving computer requests the data from the sending computer. In "push" technology, the sending computer transmits the data to the receiving computer without the receiving



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computer “asking” for the data. In other words, as in LeMole the user would be receiving the composite pages without requesting them. Thus, the user in LeMole could be “engaged in activity other than requesting the advertisements” or the user could even be engaged in no activity, (i.e. away from his computer). The composite pages would still be sent to and received by the user’s computer.

g. *“The comments apply mutatis mutandis to the rejection of independent Claim 13”* (page 7).

The same responses above also apply to Claim 13.

h. The Appellant argues the Examiner’s Note in reference as to whether or not Claims 7-11 and 13-19 properly invoke 35 U.S.C. 112, 6<sup>th</sup> paragraph (page 8).

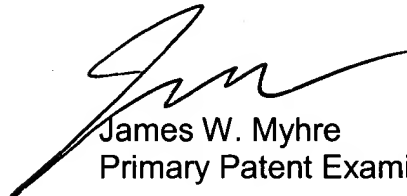
The Examiner first notes that this is not an objection nor a rejection, and thus is not a proper argument for an Appeal Brief. The Examiner further notes that the Appellant still has not identified the physical structural limitations in the specification by which one must construe the means-plus-function limitations in the claims. As noted in the previous Office Actions, these limitations appear in the specification and in the claims themselves to merely be computer program modules (“logic means”), which are not physical structures.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

  
JWM

September 17, 2007

  
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